

Senate Bill No. 1111

Passed the Senate September 13, 2001

Secretary of the Senate

Passed the Assembly September 10, 2001

Chief Clerk of the Assembly

This bill was received by the Governor this _____ day of
_____, 2001, at _____ o'clock __M.

Private Secretary of the Governor

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CHAPTER _____

An act to add Chapter 10 (commencing with Section 11850) to Part 1 of Division 3 of Title 2 of the Government Code, relating to international trade.

LEGISLATIVE COUNSEL'S DIGEST

SB 1111, Kuehl. International trade: environment.

Existing provisions of the United States Constitution grant the United States Congress the power to regulate commerce with foreign nations.

This bill would require the Secretary for Environmental Protection to consult with specified legislative committees, and review and prepare a report that assesses the potential adverse impacts of specified international trade agreements on existing California environmental laws and regulations. The bill would require the Secretary for Environmental Protection, following completion of a draft of the report, to conduct a public hearing that provides an opportunity for public comment. The bill would require that a final report be prepared that analyzes and summarizes the public and legislative comments offered during the comment period, and would require that the report be made available to the Legislature and the public on or before January 1, 2003. The bill would require a summary of the final report to be included in the "Environmental Report of the Governor" in 2003.

The people of the State of California do enact as follows:

SECTION 1. Chapter 10 (commencing with Section 11850) is added to Part 1 of Division 3 of Title 2 of the Government Code, to read:

CHAPTER 10. INTERNATIONAL TRADE AGREEMENTS

11850. The Legislature finds and declares all of the following:

(a) The United States participates in international trade bodies, including the World Trade Organization (WTO), and international trade agreements such as the General Agreement on Tariffs and Trade (GATT), and the North American Free Trade Agreement



(NAFTA). These have been implemented without providing for review by California public officials concerned with state laws for environmental protection and public health.

(b) The consultation between the federal and state governments required by both the WTO and NAFTA protocols has not included formal or organized consultation with the Legislature.

(c) California's role as a global leader in environmental protection policies, and the Legislature's role in enacting those policies, is subject to challenge by international trade agreements.

11851. (a) The Secretary for Environmental Protection shall review and assess the potential adverse impacts of the Uruguay Round Final Act, the General Agreement on Tariffs and Trade (GATT), the North American Free Trade Agreement (NAFTA), and the Free Trade Area of the Americas Agreement (FTAA), on existing California environmental laws and regulations, and shall prepare a report of their findings that includes recommendations based on those findings.

(b) In preparing the report required by subdivision (a), the Secretary for Environmental Protection shall consult with the Assembly Natural Resources Committee, the Assembly Environmental Safety and Toxic Materials Committee, the Assembly Jobs, Economic Development, and the Economy Committee, the Senate Committee on Natural Resources and Wildlife, the Senate Committee on Environmental Quality, and the Senate Select Committee on International Trade Policy and State Legislation. Following completion of a draft of the report, the Secretary for Environmental Protection shall post the draft reports on their agency Web sites on or before September 1, 2002. The Secretary for Environmental Protection shall conduct a public hearing that provides an opportunity for public comment. Following the hearing, the secretary shall receive written public comments. A final report shall then be prepared that analyzes and summarizes the public and legislative comments offered during the comment period, which shall be made available to the Legislature, and the public on or before January 1, 2003. The Secretary for Environmental Protection shall actually submit the final report to the Secretary for Technology, Trade, and Commerce, the California Congressional delegation, the United States Trade Representative, and the Administrator of the United States Environmental Protection Agency. A summary of the final



report shall also be included in the “Environmental Report of the Governor” that will be published in 2003 pursuant to Section 12805.5.



Approved _____, 2001

Governor

